

REMARKS

This communication is submitted in response to the final Office Action dated September 6, 2006. Claims 1, 2 and 4-36 are currently pending in this application. Claims 1, 21, 28 and 32 are independent, and are currently amended. Claims 3 and 37 are canceled.

Rejection Under 35 U.S.C. § 102(e)

Claims 1, 2, 4-25, 27-29 and 32-36 are rejected as being anticipated by Mitsuoka, U.S. Patent App. No. 2002/0026355 ("Mitsuoka").

The present invention provides systems and methods for Real-time Instant Presence with Advertisement (RIPA) using an instant messaging topology with wireless technology to instantly setup and update presence information of an instant messaging user. The systems and methods provide location information of a business and other business information to a wireless instant messaging user/customer of the business, and further provide methods for promotion, advertising and network marketing of a business using presence information sent to instant messaging users and instantly propagated through instant messaging address lists.

Independent claim 1 currently recites a method of establishing presence information, *including location information*, wherein the presence information is received by the wireless device of the first instant messaging user in response to a single action performed by said first instant messaging user. Matsuoka teaches a system that enables icons such as a company emblem to be set as a user status. The Office Action indicates that the icons comprise presence information. However, the icons clearly do not comprise location information, as required by amended claim 1. Additionally, the Office Action indicates that the single action for receiving presence information is taught in Matsuoka paragraph [0023], which sets forth an "icon set" button for a Web Page of an advertiser. When a user clicks the button, a user terminal accesses the awareness device and passes the icon file name, and the awareness device adds the passed icon file name to owned icons of the requesting user. In other words, Matsuoka paragraph [0023] teaches a method for adding icons to a list of owned icons by a user. By contrast, claim 1 calls for a method of establishing presence information, wherein the presence information (including the location information) is received by the wireless device of the first

instant messaging user in response to a single action performed by said first instant messaging user.

Independent claim 21 currently recites a "business client system for sending presence information with advertisement to a wireless instant messaging user,... whereby presence information, *including location information*, for said wireless instant messaging user is updated." As set forth hereinabove with respect to claim 1, Matsuoka's icons clearly do not comprise location information. Claim 21 further recites "a statistics component to receive and store statistic reports on activity of said instant messaging user in selecting said business information of said business". The Office Action sets forth that the act of determining an incentive is a statistical analysis that is inherently displayed. Applicant respectfully disagrees with this interpretation. Paragraph [0202] has nothing to do with a statistics component to receive and store statistic reports on activity of instant messaging users in selecting business information.

Independent claim 28 currently recites a method of advertising comprising: (1) sending presence information, *including locations information*, to a visiting instant messaging user who visits a business and to one or more instant messaging users who list said visitor on an instant messaging address list; and (2) displaying part of said presence information to said visiting instant messaging user and to said one or more instant messenger users, wherein said part of said presence information includes a link to advertisements for said business. As discussed with regard to claims 1 and 21, Matsuoka's icons do not include any form of location information. The Office Action points to Mitsuoka paragraphs [0016-0018] and [0026-0027] as teaching the above claim limitations. However, Mitsuoka in general, and these paragraphs in particular, do not disclose sending presence information to a "visiting instant messaging user" who "visits a business" and to "one or more instant messaging users who list said visitor on an instant messaging address list". Moreover, Mitsuoka fails to teach displaying part of the presence information to a "visiting instant messaging user" and to said one or more instant messenger users, wherein said part of said presence information includes a "link to advertisements for said business".

Independent claim 32 currently recites a system for real time instant presence with advertising including a device at a business location for receiving real time presence information, *including location information*. As discussed with regard to claims 1 and 21, Mitsuoka's icons do not include any form of location information. In addition, claim 32 recites that: (1) each of the additional instant messaging user devices has an instant messaging address list containing the instant messaging identity of the first instant messaging user; and (2) wherein the address list is controlled by the additional instant messaging users and the presence information displayed for said members of the address list is under control of the instant messaging client software. Neither of these recitations is disclosed by Mitsuoka. The Office Action indicates that the first recitation is taught in paragraph [0127] of Mitsuoka. However, this paragraph merely provides that "users can copy icons that the users do not own from status icon display of other users in a buddy list and add them to owned icons." This does not expressly or implicitly indicate that "each of the additional instant messaging user devices has an instant messaging address list containing the instant messaging identity of the first instant messaging user," as recited in claim 32. In addition, there is no indication by Mitsuoka that the address list is controlled by the additional instant messaging users and that the presence information is displayed for the members of the address list, as also recited in claim 32.

In view of the above, it is respectfully submitted that Mitsuoka fails to anticipate independent claims 1, 21, 28 and 32. Claims 2, 4-20, 22-27, 29-31 and 33-36 are not anticipated by Mitsuoka by virtue of their dependence from one of the independent claims.

Rejection Under 35 U.S.C. § 103(a)

Claim 26 is rejected as being unpatentable over Mitsuoka. Claim 26 depends from independent claim 21, which is distinguished from Mitsuoka as set forth hereinabove.

In view of the above, it is respectfully submitted that Mitsuoka fails to render obvious claim 26.

Claims 30 and 31 are rejected as being unpatentable over Mitsuoka in view of Otani U.S. Patent App. No. 2002/0065718. Claims 30 and 31 depend from independent claim

28, which is distinguished from Mitsuoka as set forth hereinabove. Otani fails to cure the deficiencies of Mitsuoka.

In view of the above, it is respectfully submitted that Mitsuoka in view of Otani fails to render obvious claims 39 and 31.

Conclusion

Based on the foregoing, favorable reconsideration and allowance of claims 1, 2 and 4-36 is solicited. If necessary, the Commissioner is hereby authorized in this and concurrent replies to charge payment (or credit any overpayment) to Deposit Account No. 19-1853 for any additional required fees.

Respectfully submitted,

Date: December 21, 2006

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